

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
CARLOS ROJAS,

Plaintiff,

-against-

SIGNATURE BANK,

Defendant.
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FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ AUG 2 2019 ★

Paul J
8/2/19
(S)

BROOKLYN OFFICE

MEMORANDUM AND ORDER

18-CV-6757 (KAM)

KIYO A. MATSUMOTO, United States District Judge:

On March 22, 2019, the court dismissed the complaint filed in this action by plaintiff Carlos Rojas, proceeding *pro se*, for failure to state a claim on which relief may be granted. In light of plaintiff's *pro se* status, the court granted him thirty days to file an amended complaint. The court's order provided that "if plaintiff fails to comply with this [o]rder within the time allowed, the action shall be dismissed, and judgment shall enter." More than thirty days elapsed, but plaintiff did not file an amended complaint.

Considering plaintiff's *pro se* status, the court granted him additional time to file an amended complaint. Specifically, on May 23, 2019, the court ordered plaintiff to file an amended complaint, or otherwise respond to the court, no later than June 3, 2019. Again, this order clearly stated that if plaintiff failed to file his amended complaint within the allotted time, this action would "be dismissed for failure to

comply with court orders and to prosecute this action pursuant to Fed. R. Civ. P. 41."

Plaintiff has not filed an amended complaint, and the time for doing so has passed. Plaintiff has now failed to comply with two court orders directing him to file an amended complaint. However, in light of plaintiff's *pro se* status, the court will grant plaintiff one final extension of thirty days to file an amended complaint. If plaintiff fails to comply with this Order by that date, the court will enter judgment dismissing his action without prejudice for failure to comply with court orders and to prosecute this action pursuant to Fed. R. Civ. P. 41.

The Clerk of Court is respectfully directed to mail a copy of this Memorandum and Order to *pro se* plaintiff and to note service on the docket.

SO ORDERED.

Dated: Brooklyn, New York
August 1, 2019

/s/ USDJ KIYO A. MATSUMOTO

Hon. Kiyo A. Matsumoto
United States District Judge